

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARTIN DROZ,

Plaintiff,

-v-

SHIRLEY HERDER, in her individual capacity;
and STATE TROOPER P.J. MCCADDEN;

Defendants.

MARTIN DROZ,

Plaintiff,

-v-

COUNTY OF ONEIDA, NEW YORK; DANIEL G.
MIDDAUGH, The Sheriff of Oneida County, New
York; SCOTT BURNOP; MICHAEL DURANT;
SHAWN MALONE; MICHAEL MULKY; MARK
SLAWSON; UNKNOWN SOWITCH;

Defendants.

APPEARANCES:

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Attorneys for Defendant Herder
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OF COUNSEL:

FREDERICK F. SHANTZ, ESQ.

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

NOV 25 2009

LAWRENCE R. BAERMAN, CLERK
USDC

6:05-CV-939 (Lead)
6:05-CV-940 (Member)
6:05-CV-941 (Member)

9:05-CV-942 (Lead)
9:05-CV-943 (Member)

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DAVID N. HURD
United States District Judge

ORDER

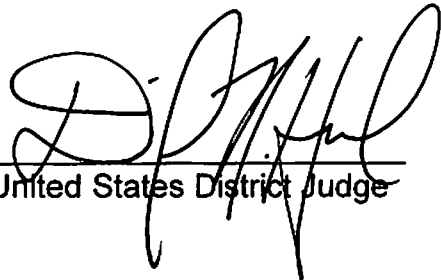
Pursuant to the Mandate issued by the United States Court of Appeals for the Second Circuit on October 7, 2009, and entered in the Northern District of New York on November 17, 2009, it is

ORDERED that

1. Summary judgment in favor of defendant State Trooper P.J. McCadden is GRANTED on the grounds of qualified immunity;
2. All claims against defendant State Trooper P.J. McCadden are DISMISSED;
3. Because all underlying claims have been dismissed, the conspiracy claim against defendant State Trooper P.J. McCadden and defendant Shirley Herder is DISMISSED;
4. The Order consolidating the above-captioned cases for trial (Doc. No. 53) is VACATED; and
5. Consolidated case number 9:05-CV-942 (Lead; 9:05-CV-943 (Member)) will proceed to trial.

The Clerk of the Court is directed to enter judgment in consolidated case number 6:05-CV-939 (Lead; 6:05-CV-940 (Member); 6:05-CV-941 (Member)) accordingly.

IT IS SO ORDERED.



United States District Judge

Dated: November 24, 2009
Utica, New York.